

Frederick J. Geonetta (SBN 114824)
 Kenneth N. Frucht, (SBN 178881)
 GEONETTA & FRUCHT
 100 Montgomery Street, Suite 1600
 San Francisco, CA 94104
 Tel: (415) 421-4770
 Tel: (415) 392-4844
 Fax: (415) 421-4785
 Fax: (415) 392-7973

Attorneys for Plaintiff
 MMCA Group, Ltd.

**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

| | |
|---|--|
| <p>MMCA GROUP, LTD., a Virginia corporation,</p> <p style="text-align: center;">Plaintiff</p> <p style="text-align: center;">v.</p> <p>HEWLETT-PACKARD COMPANY, a Delaware corporation, PICA, an Ohio corporation,</p> <p style="text-align: center;">Defendants.</p> | <p>Civil Action No. CV 06-07067-MMC (EMC)</p> <p style="text-align: center;">ORDER GRANTING</p> <p>ADMINISTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL Filed With PLAINTIFF MMCA’S SUPPLEMENTAL MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO DEFENDANTS’ MOTIONS FOR SUMMARY JUDGMENT OR ALTERNATELY MOTION FOR PARTIAL JUDGMENT SUMMARY JUDGMENT</p> <p>Date: November 20, 2009 Time: 9:00 a.m. Place: Courtroom 7, 19th Floor Judge: Hon. Maxine M. Chesney</p> |
|---|--|

Pursuant to Federal Rule of Civil Procedure 16(c), Civil Local Rules 7-11 and 79-5, and the Stipulated Protective Order (“Protective Order”) on file as Docket No. 241, Plaintiff MMCA Corporation (“MMCA”) hereby requests permission to file under seal the following documents that have previously been designated either Confidential or AEO by one or more of the parties, or

that refer to documents or material that is Confidential or has been designated Confidential by one of the parties to this case:

- A. Portions of Plaintiff MMCA's Supplemental Memorandum of Points and Authorities in Opposition to Defendants' Motions for Summary Judgment or Alternatively for Partial Summary Judgment
- B. The Declaration of Morgan Cherry in Support of Motion to Compel and Exhibits 1-4 attached to the Declaration
- C. The following exhibits attached to the Declaration of Kenneth Frucht in Support of MMCA's Supplemental Brief:

- Exhibit 1 Damages report marked AEO.
- Exhibit 2 List of MMCA's trade secrets marked AEO.
- Exhibit 3 Portions of the Deposition of Toni Berria marked Confidential.
- Exhibit 5 Letter marked Confidential.
- Exhibit 6 Email exchange marked Confidential.
- Exhibit 7 Portions of Deposition of Robert Cozzolina marked Confidential.
- Exhibit 8 Email marked AEO.
- Exhibit 9 Licensing Agreement marked AEO.
- Exhibit 10 PICA Independent Contractor Agreement marked AEO.
- Exhibit 11 PICA Employment Agreement marked AEO.
- Exhibit 12 PICA Independent Contractor Agreement marked AEO.
- Exhibit 13 PICA Independent Contractor Agreement marked AEO..
- Exhibit 14 PICA Employment Agreement marked AEO.
- Exhibit 15 Email marked AEO
- Exhibit 16 Email marked AEO.
- Exhibit 17 Email marked AEO.
- Exhibit 18 Email marked AEO.
- Exhibit 19 Email marked AEO.
- Exhibit 20 Memo marked Confidential.
- Exhibit 21 Email marked AEO.
- Exhibit 22 Email marked AEO.
- Exhibit 23 Email marked AEO.
- Exhibit 24 RFP marked AEO.
- Exhibit 25 Email marked AEO.
- Exhibit 26 Bank Ledger marked AEO
- Exhibit 27 RFP marked AEO.
- Exhibit 28 Email marked AEO.
- Exhibit 29 Email marked AEO.
- Exhibit 30 Portions of Deposition of Vince Volpi marked Confidential.
- Exhibit 31 Check stub marked AEO.
- Exhibit 32 Email marked Confidential.
- Exhibit 33 Portions of the Deposition of Gabriela Tornazo marked Confidential.

Exhibit 34 List of MMCA LAR investigators marked AEO.
 Exhibit 35 List of MMCA EMEA investigators marked AEO.
 Exhibit 36 Declaration of Tom Byrne partially filed under seal in MMCA's Motion to Compel.
 Exhibit 37 Portions of the deposition of Rocio Cvar. The first volume is marked confidential, the second is AEO.
 Exhibit 38 Email marked AEO.
 Exhibit 39 Invoice marked AEO.
 Exhibit 40 Email marked AEO.
 Exhibit 41 Email marked AEO.
 Exhibit 42 Email marked AEO.
 Exhibit 43 Email marked AEO.
 Exhibit 44 Form sent to MMCA by HP marked AEO.
 Exhibit 45 Email marked AEO.
 Exhibit 46 Power point marked AEO.
 Exhibit 47 Email marked Confidential.
 Exhibit 48 Email marked AEO..
 Exhibit 49 Email marked AEO.
 Exhibit 50 Email marked AEO.
 Exhibit 51 Email marked AEO.
 Exhibit 52 Email marked AEO.
 Exhibit 53 Email marked AEO.
 Exhibit 54 DMS entry produced by HP in this action and marked Confidential – but it should be marked AEO.
 Exhibit 55 Email marked Confidential.
 Exhibit 56 Email marked AEO.
 Exhibit 57 Email marked AEO.
 Exhibit 58 Email marked AEO.
 Exhibit 59 Email marked AEO.
 Exhibit 60 Email marked AEO.
 Exhibit 61 Email marked AEO.

MMCA seeks to file each of the above-referenced documents under seal because they are or contain references to documents that have been designated by one of the parties to this lawsuit as either "Confidential" or "Highly Confidential Attorneys' Eyes Only" pursuant to the procedures set forth in the Protective Order, Document No. 241.

Civil Local Rule 79-5 provides where a party seeks to submit to the Court a document that has been designated by another party as Confidential pursuant to a protective order, that party must file an Administrative Motion for a sealing order. Thereafter, within five days, designating party must then file with the Court and serve a declaration establishing that the designated

documents are sealable, and must lodge and serve a narrowly tailored proposed sealing order within five days of submission. Civ. L.R. 79-5(d).

Based on the foregoing, Plaintiff MMCA respectfully asks that the Court enter an order permitting MMCA to file the referenced documents under seal.

Dated: October 30, 2009

By: /s/ Kenneth Frucht
Kenneth Frucht
Attorney for Plaintiff MMCA

ORDER

Good cause appearing, the administrative motion is hereby GRANTED. The Clerk is hereby DIRECTED to file under seal the unredacted versions of plaintiff's Supplemental Memorandum, the Supplemental Declaration of Morgan Cherry in Opposition to Defendants' Motions for Summary Judgment, and the Declaration of Kenneth Frucht in Support of Plaintiff's Supplemental Brief.

Dated: January 5, 2010


United States District Judge